

Not Intended for Print Publication

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ABINGDON DIVISION**

W. Barry Montgomery, Kalbaugh, Pfund & Messersmith, Richmond, Virginia, for Plaintiff; John A. Gibney, Jr., Thompson & McMullan, P.C., Richmond, Virginia, for Defendant HSBC Auto Finance, Inc.

The plaintiff, American Bankers Insurance Company of Florida (“American Bankers”) seeks a declaratory judgment that because of a material misrepresentation in the application for a policy of automobile insurance, the policy is void and unenforceable and American Bankers is not liable for any accidents involving a certain 2001 Ford Explorer named in the policy. In addition to the putative named insured, Raymond G. Slone (who has not yet been served), American named as a defendant in this diversity action HSBC Auto Finance, Inc. (“HSBC”), a lender who has a lien on the vehicle.

HSBC has moved to dismiss on the ground that it has no interest in the litigation. It specifically disclaims any interest in the proceeds of the insurance policy in question.

In its response to the Motion to Dismiss, American discloses no reason why HSBC should remain a party in light of its clear and unequivocal renunciation of any interest or claim in the insurance policy or to its proceeds.

Accordingly, it is **ORDERED** that the Motion to Dismiss is GRANTED and HSBC Auto Finance, Inc. is DISMISSED as a party.

ENTER: October 12, 2005

/s/ JAMES P. JONES
Chief United States District Judge